

### **REMARKS**

No new matter is added by this amendment. The present application was filed on September 12, 2003. By this amendment, claims 1, 2, 30, 63, and 64 have been amended. The claims remaining in consideration are claims 1-64, of which claims 1, 30, 63 and 64 are independent.

Claim 2 was rejected under 35 USC §112, second paragraph, as being indefinite. Claim 2 has been amended to remove the deficiencies noted by the Examiner. Therefore, applicants respectfully requested that the §112 rejection be withdrawn.

As best as can be determined, Claims 1-14, 22-42, 50-58 and 63-64 were rejected under 35 USC §103(a) as being unpatentable over Walker (U.S. Patent No. 6,001,106) in view of Wells (U.S. Patent No. 6,846,238). This rejection is respectfully traversed. Independent claims 1, 30, 63 and 64 have been amended to more clearly identify the subject matter applicants regard as their invention.

Generally, the present invention provides a system, **not for remotely playing a gaming machine**, but for allowing a user, for example, an employee of the casino to travel or roam around the casino floor, and to invite players or patrons to join the casino's player tracking club. For example, the employee may be assigned an area of the casino floor to act as a host, taking care of patrons' needs. The area of the casino floor for which the employee is responsible may include a plurality of gaming machines (wagering or non-wagering) such as table games, video or reel slot machines, video poker machines, kiosks, and the like. It should be noted that a patron does not usually have to be a member of the player tracking club to utilize, e.g., to play if the gaming machine is a wagering machine, a gaming machine. Such utilization is generally referred to as non-tracked use (or play).

Thus, the aim of the present invention is to allow an user, or employee of the casino, to travel around the casino (as part of their other responsibilities) and once they have identified a patron who is not a member of the player tracking club, ask if they want to join, and if they do, to sign them up as a member of the player tracking club right there utilizing a handheld remote device. Thus, a patron is more likely to sign up, since they do not need to

travel to a designated location in order to join. The employee can take care of it right then, right there.

With respect to both Walker and Wells, neither reference teaches a system or method which meets this need.

In fact, both Walker and Wells are aimed at a system which provides remote gaming.

Walker teaches a remote gaming device which allows a player to play a gaming device at a remote location.

In the Description of the Related Art section, Walker repeatedly stresses that typical casinos, typical gaming devices require that the player must be physically present at the gaming device in order to play (see for example, column 1, lines 19-21). Specifically, Walker describes the need for which the Walker invention is intended to meet:

In sum, there exists a need for a method and system for remote wagering and play of a gaming device, particularly a method and system that does not require human intervention and live video transmission of the game being played. (Column 2, lines 46-49).

The Walker system thus “is directed generally to a method and system for remote play of a gaming device, such as a slot machine” (column 3, lines 40-42). The Walker system thus provides “remote wagering terminal” which is connected to the slot machine(s) through a slot network service interface 330. The remote wager terminal 5 allows a player to make wagers on the play of a game on one or more gaming devices which are located at a separate location.

The Examiner states that Walker teaches that the player can enroll in the player tracking system through the remote wagering terminal. This is an incorrect reading of Walker.

Specifically, the Examiner states:

“A player provides sign-up information entered by the user on the remote device enrolling the player in the player track system (see column 4, lines 44-53). When a player inserts tracking card into the gaming machine, unique information put on the card during the player signup is transmitted to the system to enroll the player in the system for that session of gaming). Additionally, Walker contemplates an embodiment of his invention where player

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identifying information is provided directly through a keypad on the remote device to enroll in a player tracking system (see column 12 lines 41-43)."

The Examiner seems to be confusing starting a session, during which a player can make wagers, and actually enrolling into a player tracking system.

For example, columns 4, lines 44-53, as referenced by the Examiner, states:

Communication between the remote wagering terminal 5 and slot network server 4 is initiated when a player inserts a player tracking card 9 into the player tracking card reader 8. Typically, a casino issues a player tracking card containing player identifying information. Such identifying information can be any information that uniquely identifies a player to the system 1 and, in the present embodiment, includes the player identification (ID) number. The identifying information is preferably stored on a magnetic strip on the player tracking card.

The second and third sentence of the cited paragraph states that the casino issues the player a player tracking card containing "player identifying information". This is done during the enrollment process. In order to being using a remote wagering terminal in the Walker system, the player **must** use his player tracking card to identify himself at the remote wagering terminal in order to make wagers (in this embodiment).

Moreover, the second passage cited by the Examiner, column 12 lines 41-43, rather than signifying that Walker contemplated "an embodiment of his invention where player identifying information is provided directly through a keypad on the remote device to **enroll in a player tracking system**" (emphasis added), as suggested by the Examiner, the cited passage shows that Walker recognizes that the system may be alternatively designed such that a player can identify themselves at the remote wagering terminal without a player tracking card.

It is to be understood that the player tracking card is not essential to the present invention. For example, in an alternative embodiment, the player enters player identifying information via the keypad 570. (Walker, column 12, lines 41-43).

As the Examiner correctly recognized, Walker fails to teach a “mobile computer carried by a user as a remote device” (Outstanding Office Action, page 4, first full paragraph). However, applicants respectfully assert that Walker does not teach that the player can enroll in the player tracking system through the remote wagering terminal (as suggested by the Examiner).

The Examiner attempts to overcome the deficiencies in Walker by utilizing Wells. With respect to Wells, the Examiner states:

In a similar system, Wells discloses a gaming system using a mobile gaming computer carried by a user (see column 2 lines 58-60). One of ordinary skill in the art would recognize that extending playing opportunities beyond the casino floor and gaming establishments. It would therefore be obvious to one of ordinary skill in the art at the time of the invention to incorporate the mobile computer disclosed by Wells into the gaming system disclosed by Walker to allow players to gamble remotely - even outside a casino resulting in player loyalty, increased profits for the casino, and increased options for players” (emphasis added). (Outstanding Office Action, page 4, first full paragraph).

Wells discloses a wireless game player which is electronically linked to a licensed game machine. The wireless game player allows a player to place wagers remotely, i.e., “anywhere in the legal areas of the casino”. Wells does not disclose or teach the use of a hand-held computer utilized by a non-player user (as required by independent claims 1, 30, 63 and 64), which allows the non-player user to enroll a player in a player tracking system.

Thus, in the Walker and Wells systems, the remote wagering terminal and the wireless game player are utilized by players to place wagers remotely. Neither Walker nor Wells, singularly or in combination, disclose or teach the use of a hand-held computer utilized by a non-player user (as required by independent claims 1, 30, 63 and 64), which allows the non-player user to enroll a player in a player tracking system.

Although, Applicants respectfully assert that the claims, as previously presented, were patentable over the Walker and/or Wells, independent claims 1, 30, 63, and 64 have been amended to more clearly distinguish the present invention over the prior art.

Specifically, the claims have been amended to include, or reference, a plurality of gaming machines located on a casino floor. Additionally, the remote device (embodied in a mobile computer) is utilized by a user, who is not the player. Thus, the user is allowed to roam or travel the casino floor and when they find a patron or player who is not a member of the player tracking system and enroll them in the player tracking system if they want to be enrolled.

Applicants respectfully assert that neither Walker nor Wells, singularly or in combination, teach a system or method which provides a remote device, embodied, in a mobile computer which allows a non-player user to enroll a player in the player tracking system or club as set forth in independent claims 1, 30, 63, and 64. Thus, applicants respectfully assert that independent 1, 30, 63, and 64 are patentable over Walker and Wells. Therefore applicants respectfully request that the §103(a) rejection be withdrawn.

Claims 2-14, 22-29, 31, 50-58 are ultimately dependent upon allowable claim 1 or 30. Therefore for the reasons set forth above, and based on their own merits, applicants respectfully assert that claims 2-14, 22-29, 31, 50-58 are also allowable.

Claims 15-21 and 43-49 were rejected under 35 USC §103(a) as being unpatentable over Walker and Welsh in further view of Ramakrishnan. This rejection is respectfully traversed.

The Examiner utilizes Ramakrishnan to teach the use of a database. However, claims 15-21 and 43-49 are dependent upon either claim 1 or 30. Ramakrishnan does not overcome the deficiencies of Walker and/or Welsh. Therefore, for the reasons set forth above and based on their own merits, applicants respectfully assert that claims 15-21 and 43-49 are allowable.

Claims 59-62 were rejected under 35 USC §103(a) as being unpatentable over Walker and Welsh in view of US Patent 5,674,128 issued to Holch et al. This rejection is respectfully traversed.

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The Examiner utilizes Holch to teach the use of a barcode or ID Card reader. However, claims 59-62 are dependent upon either claim 1 or 30. Holch does not overcome the deficiencies of Walker and Welsh. Therefore, for the reasons set forth above and based on their own merits, applicants respectfully assert that claims 59-62 are allowable.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. The proper fee for a two-month extension of time is submitted herewith. If any additional fees are necessary, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 08-2789 in the name of Howard & Howard. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

Respectfully submitted

**HOWARD & HOWARD ATTORNEYS, P.C.**

January 31, 2008

Date

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